WO

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA

V.

ORDER OF DETENTION PENDING TRIAL

Alberto Herrera-Arteaga		Case Number:	11-3235M
and was repres	with the Bail Reform Act, 18 U.S.C. § 3142(f), a det sented by counsel. I conclude by a preponderance defendant pending trial in this case.		
	FINDINGS	OF FACT	
I find by a prep	conderance of the evidence that:		
\boxtimes	The defendant is not a citizen of the United State	es or lawfully ad	mitted for permanent residence.
\boxtimes	The defendant, at the time of the charged offens	se, was in the Ur	ited States illegally.
	If released herein, the defendant faces remo Enforcement, placing him/her beyond the jurisdic or otherwise removed.	oval proceedings ction of this Cour	s by the Bureau of Immigration and Customs t and the defendant has previously been deported
	The defendant has no significant contacts in the	United States o	r in the District of Arizona.
	The defendant has no resources in the United St to assure his/her future appearance.	ates from which	he/she might make a bond reasonably calculated
\boxtimes	The defendant has a prior criminal history.		
	The defendant lives/works in Mexico.		
	The defendant is an amnesty applicant but has substantial family ties to Mexico.	s no substantial	ties in Arizona or in the United States and has
	There is a record of prior failure to appear in court as ordered.		
	The defendant attempted to evade law enforcement contact by fleeing from law enforcement.		
	The defendant is facing a maximum of		vears imprisonment.
	-		

The Court incorporates by reference the material findings of the Pretrial Services Agency which were reviewed by the Court at the time of the hearing in this matter, except as noted in the record.

CONCLUSIONS OF LAW

- 1. There is a serious risk that the defendant will flee.
- 2. No condition or combination of conditions will reasonably assure the appearance of the defendant as required.

DIRECTIONS REGARDING DETENTION

The defendant is committed to the custody of the Attorney General or his/her designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

APPEALS AND THIRD PARTY RELEASE

IT IS ORDERED that should an appeal of this detention order be filed with the District Court, it is counsel's responsibility to deliver a copy of the motion for review/reconsideration to Pretrial Services at least one day prior to the hearing set before the District Court.

IT IS FURTHER ORDERED that if a release to a third party is to be considered, it is counsel's responsibility to notify Pretrial Services sufficiently in advance of the hearing before the District Court to allow Pretrial Services an opportunity to interview and investigate the potential third party custodian.

DATE: May 10, 2011

James F. Metcalf United States Magistrate Judge